

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

MAY 12 2005

FILED  
CLERK'S OFFICE

**DOCKET NO. 1456**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE  
LITIGATION**

**(SEE ATTACHED SCHEDULE)**

**CONDITIONAL TRANSFER ORDER (CTO-21)**

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

MAY 31 2005

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck  
Michael J. Beck  
Clerk of the Panel

**SCHEDULE CTO-21 - TAG-ALONG ACTIONS  
DOCKET NO. 1456**

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE  
LITIGATION**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
<b>NEW YORK NORTHERN</b>	
NYN 1 05-408	The County of Washington v. Abbott Laboratories, Inc., et al.
NYN 1 05-422	County of Rensselaer v. Abbott Laboratories, Inc., et al.
NYN 1 05-425	County of Albany v. Abbott Laboratories, Inc., et al.
NYN 1 05-468	County of Warren v. Abbott Laboratories, Inc., et al.
NYN 1 05-474	County of Greene v. Abbott Laboratories, Inc., et al.
NYN 1 05-478	County of Saratoga v. Abbott Laboratories, Inc., et al.
NYN 3 05-354	County of Chenango v. Abbott Laboratories, Inc., et al.
NYN 3 05-456	The County of Broome v. Abbott Laboratories, Inc., et al.
NYN 5 05-397	County of Tompkins v. Abbott Laboratories, Inc., et al.
NYN 5 05-423	County of Cayuga v. Abbott Laboratories, Inc., et al.
NYN 6 05-415	County of Herkimer, New York v. Abbott Laboratories, Inc., et al.
NYN 6 05-489	County of Oneida v. Abbott Laboratories, Inc., et al.
NYN 7 05-479	County of Saint Lawrence v. Abbott Laboratories, Inc., et al.
<b>NEW YORK WESTERN</b>	
NYW 1 05-214	County of Chautauqua v. Abbott of Laboratories, Inc., et al.
NYW 1 05-236	County of Allegany v. Abbott Laboratories, Inc., et al.
NYW 1 05-256	County of Cattaraugus v. Abbott Laboratories, Inc., et al.
<del>NYW 1 05-259</del>	<del>County of Erie v. Abbott Laboratories, Inc., et al.</del> Opposed 5/24/05
NYW 6 05-6138	County of Wayne v. Abbott Laboratories, et al.
NYW 6 05-6148	County of Monroe v. Abbott Laboratories, Inc., et al.
NYW 6 05-6172	County of Yates v. Abbott Laboratories, Inc., et al.

**U.S. District Court**  
**Northern District of New York [LIVE - Version 2.4] (Binghamton)**  
**CIVIL DOCKET FOR CASE #: 3:05-cv-00456-TJM-DEP**

The County of Broome v. Abbott Laboratories, Inc. et al  
Assigned to: Judge Thomas J. McAvoy  
Referred to: Magistrate Judge David E. Peebles  
Related Case: 5:05-cv-00088-FJS-GHL  
Cause: 42:1396 - Tort Negligence

Date Filed: 04/14/2005  
Jury Demand: Plaintiff  
Nature of Suit: 850  
Securities/Commodities  
Jurisdiction: Federal Question

**Plaintiff**

**Broome County**

represented by **Aaron D. Hovan**

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**County of Broome**

represented by **Aaron D. Hovan**

(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Abbott Laboratories, Inc.**

**Defendant**

**Agouron Pharmaceuticals, Inc.**

**Defendant**

**Alcon Laboratories, Inc.**

**Defendant**

**Allergan, Inc.**

**Defendant**

**Alpharma, Inc.**

**Defendant**

**Amgen, Inc.**

**Defendant**

**Andrx Corp.**

**Defendant**

**Astrazeneca Pharmaceuticals L.P.**

**Defendant**

**Aventis Pharmaceuticals, Inc.**

**Defendant**

**Barr Laboratories, Inc.**

**Defendant**

**Baxter Healthcare Corporation**

**Defendant**

**Baxter International, Inc.**

**Defendant**

**Bayer Corp.**

**Defendant**

**Ben Venue Laboratories, Inc.**

**Defendant**

**Berlex Laboratories, Inc.**

**Defendant**

**Biogen Idec, Inc.**

**Defendant**

**Biovail Pharmaceuticals, Inc.**

**Defendant**

**Boehringer Ingelheim Corp.**

**Defendant**

**Boehringer Ingelheim  
Pharmaceuticals, Inc.**

**Defendant**

**Bristol-Meyers Squibb Company**

**Defendant**

**Dermik Laboratories, Inc.**

**Defendant**

**Dey, Inc.**

**Defendant**

**Eisai, Inc.**

**Defendant**

**Eli Lilly and Company**

**Defendant**

**Endo Pharmaceuticals, Inc.**

**Defendant**

**Ethex Corp.**

**Defendant**

**Forest Laboratories, Inc.**

**Defendant**

**Forest Pharmaceuticals, Inc.**

**Defendant**

**Fujisawa Healthcare, Inc.**

**Defendant**

**Fujisawa USA, Inc.**

**Defendant**

**Genentech, Inc.**

**Defendant**

**Genzyme Corp.**

**Defendant**

**Gilead Sciences, Inc.**

**Defendant**

**Glaxosmithkline, P.L.C.**

**Defendant**

**Greenstone, Ltd.**

**Defendant**

**Hoffman-La Roche, Inc.**

**Defendant**

**Immunex Corp.**

**Defendant**

**Ivax Corp.**

**Defendant**

**Ivax Pharmaceuticals, Inc.**

**Defendant**

**Janssen Pharmaceutica Products, LP**

**Defendant**

**Johnson & Johnson**

**Defendant**

**King Pharmaceuticals**

**Defendant**

**McNeil-PPC, Inc.**

**Defendant**

**Medimmune, Inc.**

**Defendant**

**Merck & Co., Inc.**

**Defendant**

**Monarch Pharmaceuticals, Inc.**

**Defendant**

**Mylan Laboratories, Inc.**

**Defendant**

**Mylan Pharmaceuticals, Inc.**

**Defendant**

**Novartis Pharmaceuticals Corp.**

**Defendant**

**Novo Nordisk Pharmaceuticals, Inc.**

**Defendant**

**Oncology Therapeutics Network Corp.**

**Defendant**

**Organon Pharmaceuticals USA, Inc.**

**Defendant**

**Ortho Biotech Products LP**

**Defendant**

**Ortho-McNeil Pharmaceutical, Inc.**

**Defendant**

**Ortho-McNeil Pharmaceutical, Inc.**

**Defendant**

**Par Pharmaceutical, Inc.**

**Defendant**

**Pfizer, Inc.**

**Defendant**

**Pharmacia Corp.**

**Defendant**

**Purdue Pharma, L.P.**

**Defendant**

**Purepac Pharmaceutical Co.**

**Defendant**

**Reliant Pharmaceuticals**

**Defendant**

**Roche Laboratories, Inc.**

**Defendant**

**Roxane Laboratories, Inc.**

**Defendant**

**Sandoz, Inc.**

**Defendant**

**Sanofi-Synthelabo, Inc.**

**Defendant**

**Schering Corp.**

**Defendant**

**Schering-Plough Corp.**

**Defendant**

**Serono, Inc.**

**Defendant**

**Smithklinebeecham Corp.**

*doing business as*

**Glaxosmithkline**

**Defendant**

**Takeda Pharmaceuticals North**

**America, Inc.**

**Defendant**

**Tap Pharmaceutical Products, Inc.**

**Defendant**

**Teva Pharmaceutical USA, Inc.**

**Defendant**

**UCB Pharma, Inc.**

**Defendant**

**UDL Laboratories, Inc.****Defendant****Warrick Pharmaceuticals Corp.****Defendant****Watson Pharma, Inc.****Defendant****Watson Pharmaceuticals, Inc.****Defendant****Wyeth**

Date Filed	#	Docket Text
04/14/2005	<u>1</u>	COMPLAINT against Alcon Laboratories, Inc., Allergan, Inc., Alpharma, Inc., Amgen, Inc., Andrx Corp., AstraZeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Baxter Healthcare Corporation, Baxter International, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, McNeil-PPC, Inc., MedImmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelab, Inc., Schering Corp., Schering-Plough Corp., Serono, Inc., Smithkline Beecham Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Abbott Laboratories, Inc., Agouron Pharmaceuticals, Inc. ( Filing fee \$ 250 receipt number ALB000702) filed by The County of Broome. (Attachments: # <u>1</u> Complaint Part 2 of 3# <u>2</u> Complaint Part 3 of 3# <u>3</u> Exhibit(s) A part 1 of 5# <u>4</u> Exhibit(s) A part 2 of

		5# <u>5</u> Exhibit(s) A part 3 of 5# <u>6</u> Exhibit(s) A part 4 of 5# <u>7</u> Exhibit(s) A part 5 of 5# <u>8</u> Exhibit(s) B# <u>9</u> Exhibit(s) C# <u>10</u> Exhibit(s) D# <u>11</u> Exhibit(s) E)(ban) (Entered: 04/14/2005)
04/14/2005		Summons Issued as to Alcon Laboratories, Inc., Allergan, Inc., Alpharma, Inc., Amgen, Inc., Andrx Corp., AstraZeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Baxter Healthcare Corporation, Baxter International, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, McNeil-PPC, Inc., MedImmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering Corp., Schering-Plough Corp., Serono, Inc., Smithkline Beecham Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Abbott Laboratories, Inc., Agouron Pharmaceuticals, Inc.. (ban) (Entered: 04/14/2005)
04/14/2005	<u>2</u>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 8/19/2005 10:00 AM in Binghamton before Magistrate Judge David E. Peebles. Civil Case Management Plan due by 8/9/2005. (ban) (Entered: 04/14/2005)
05/13/2005	<u>3</u>	Letter from Aaron Hovan, outside counsel requesting Adjournment of Deadlines. (Hovan, Aaron) (Entered: 05/13/2005)
05/19/2005		NOTICE sent to counsel by CRD for Judge Peebles. Due to the letter submitted to the court on 5/13/05 from Aaron Hovan, Esq., the Rule 16 Conference scheduled before Judge Peebles on 8/19/05 at 10:00 in Binghamton has been ADJOURNED WITHOUT DATE. This case will be tracked until September for status. (sal, ) (Entered: 05/19/2005)
05/19/2005	<u>4</u>	CONDITIONAL TRANSFER ORDER : Conditionally transferring the <u>1</u> Complaint to the District of Massachusetts and is assigned to the Honorable Patti B. Saris in the interests of judicial economy. This Order is

stayed for 15 days pending any objections filed by the parties herein.  
(Signed by Michael J. Beck, the Clerk of the Panel on Multi-District  
Litigation) (jmb) (Entered: 05/20/2005)

**PACER Service Center****Transaction Receipt**

06/07/2005 15:58:58

<b>PACER</b>	us2510	<b>Client</b>
<b>Login:</b>		<b>Code:</b>
<b>Description:</b>	Docket Report	<b>Search Criteria:</b> 3:05-cv-00456-TJM-DEP
<b>Billable Pages:</b>	4	<b>Cost:</b> 0.32